

### REMARKS

Claims 1 and 6 are currently pending in the application. By this amendment, claim 1 is amended, claims 2-5 are canceled without prejudice to expedite prosecution, and 7-53 are canceled without prejudice being drawn to non-elected inventions. The foregoing separate sheets marked as "Listing of Claims" show all the claims in the application, with an indication of the current status of each.

Applicant reserves the right to pursue the subject matter of canceled claims, canceled subject matter, or of any unclaimed subject matter, in future continuation or divisional applications.

#### **Claim Rejections: 35 USC § 112, second paragraph**

Claims 1-6 stand rejected under 35 USC § 112, second paragraph, as indefinite. According to the Examiner, the metes and bounds of the sequence are not defined.

Solely in order to expedite prosecution of the application, and thus without arguing Examiner's alleged grounds of rejection, Claim 1 is hereby amended to recite that the fusion protein of claim 1 is SEQ ID NO: 8, thereby defining the metes and bounds of the sequence, and overcoming this rejection.

Claim 4 is rejected as indefinite. Solely in order to expedite prosecution of the application, and thus without arguing Examiner's alleged grounds of rejection, claim 4 is hereby canceled, thereby making moot this rejection.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of this rejection.

#### **Claim Rejections: 35 USC § 112, first paragraph**

Claims 1-6 stand rejected under 35 USC § 112, first paragraph, due to a purported lack of enablement. According to Examiner, the specification does, however, provide enablement for the fusion protein of TNF-NSF700 (SEQ ID NO: 8).

Solely in order to expedite prosecution of the application, and thus without arguing Examiner's alleged grounds of rejection, Claim 1 is hereby amended to recite that the fusion protein of claim 1 is SEQ ID NO: 8.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of this rejection.

**Claim Rejections: 35 USC § 112, first paragraph**

Claims 1-6 stand rejected under 35 USC § 112, first paragraph, due to a purported lack of written description. According to Examiner, SEQ ID NO: 8 does, however, meet the written description requirements.

Solely in order to expedite prosecution of the application, and thus without arguing Examiner's alleged grounds of rejection, Claim 1 is hereby amended to recite that the fusion protein of claim 1 is SEQ ID NO: 8.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of this rejection.

**Claim Rejections: 35 USC § 102(b)**

Claims 1-4, and 6 stand rejected under 35 USC § 102(b) as anticipated by Blanes-mira et al. (2001) et al. This rejection is traversed in view of the amendments presented herein.

Examiner states that SEQ ID NO: 8 is free of the prior art. Solely in order to expedite prosecution of the application, and thus without arguing Examiner's alleged grounds of rejection, Claim 1 is hereby amended to recite that the fusion protein of claim 1 is SEQ ID NO: 8.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of this rejection.


**Concluding Remarks**

In view of the foregoing, it is requested that the application be reconsidered, that claims 1 and 6 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: ruth@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ruth E. Tyler-Cross', with a long, sweeping horizontal line extending to the right.

Ruth E. Tyler-Cross  
Reg. No. 45,922

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